

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**June 3, 2014**

**3:30 P.M. SCHEDULED SESSION**

**3:32 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery, Bill Morrison and Chairman Jim Strickland

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Rev. Lawrence Palmer, from Unity Church of Practical Christianity. Councilman Lowery presented Rev. Palmer with a certificate naming him Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

**MINUTES**

**Approval of the Minutes of the regular meeting of May 20, 2014 with the following motion:**

**MOTION:** Fullilove – Reconsider Item #5, SUP 14-204cc, from the Minutes  
**SECOND:** Boyd  
**AYES:** Boyd, Brown, Fullilove, Harris and Lowery  
**NAYS:** Collins, Conrad, Flinn, Hedgepeth, Morrison and Chairman Strickland  
Ford recused  
Halbert did not cast a vote

**FAILED**, item was not reconsidered, set up as Special Item #1

MAIN MOTION: Ford  
 SECOND: Morrison  
 AYES: Boyd, Collins, Conrad, Flinn, Ford, Harris, Hedgepeth, Lowery, Morrison,  
 and Chairman Strickland  
 NAYS: Fullilove  
 Brown and Halbert did not cast a vote

**APPROVED**

20. **RESOLUTION APPROPRIATING \$42,811.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FOR CITY WIDE DRAINAGE REPAIRS AT CITY WIDE DRAIN REHAB.**

**DROPPED**

3. **ORDINANCE ESTABLISHING A RESIDENTIAL PARKING PERMIT PILOT PROGRAM NEAR OVERTON SQUARE FOR A ONE YEAR PERIOD, UP FOR S E C O N D READING.**

Ordinance No. 5550

Held until June 17, 2014

1. **RESOLUTION HONORING LEE BURNS FOR HIS EXCEPTIONAL CONTRIBUTIONS TO EDUCATION IN MEMPHIS.**

MOTION: Conrad  
 SECOND: Collins

**APPROVED**, by unanimous voice vote

Councilwoman Fullilove recognized Kimberly Hill and Landy Tate who were present, in the audience, for their outstanding contributions to the community. (Not an item on the agenda).

**CONSENT AGENDA – Items 2, 4, 5 & 24-26 may be acted upon by one motion: SEE PAGE 2971 FOR ROLL CALL**

2. **ORDINANCE TO AMEND ARTICLE 5, SECTION 4-28-22, DEFERRED RETIREMENT OPTION PLAN (DROP), UP FOR S E C O N D READING.**

Ordinance No. 5549

**APPROVED**, on Second reading

4. **ORDINANCE AUTHORIZING THE ISSUANCE OF CONTRACTUAL LICENSES, PERMITS AND/OR AUTHORIZATIONS FOR USE AND OCCUPATION OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF-WAY OF THE CITY OF MEMPHIS FOR INSTALLATION AND USE OF FACILITIES FOR THE OPERATION OF FIBER OPTIC AND OTHER COMMUNICATIONS SYSTEMS AND PUBLIC UTILITIES AND ESTABLISHING REQUIREMENTS, TERMS, CONDITIONS, LIMITATIONS AND PROVISIONS FOR RECOVERY OF THE CITY'S COSTS INCURRED FOR THE CONSTRUCTION, MAINTENANCE, POLICING, MANAGEMENT OR REPAIR OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF WAY OF THE CITY, UP FOR S E C O N D READING.**

Ordinance No. 5551

**APPROVED**, on Second reading

5. **RESOLUTION ACCEPTING LOWE'S HOME CENTER P.D., AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 95-312  
(Contract No. CR-4586)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat, located on the west side of Perkins Road, between Sam Cooper Blvd. and Summer Ave. The standard improvement contract was approved on May 17, 2005. Resolution also authorizes the release of the performance bond in the amount \$56,550.00.

City Engineer recommends approval

**APPROVED**

24. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCE, CITY OF MEMPHIS, SO AS TO LIMIT PARTICIPATION IN THE PENSION SYSTEM TO PARTICIPANTS WITH 10 OR MORE YEARS OF SERVICE AND CREATE SEPARATE ACCOUNT (EQUAL TO THEIR EMPLOYEE CONTRIBUTIONS PLUS THE MULTIPLE EARNED AS OF JUNE 30, 2015) FOR PARTICIPANTS WITH LESS THAN 10 YEARS OF SERVICE, UP FOR F I R S T READING.**

Ordinance No. 5552

**APPROVED**, on First reading

25. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE THE CITY CONTRIBUTION ALLOWABLE UNDER SECTIONS 25-71 AND SECTION 25-171, SO AS TO TRANSFER TRANSFERRED PARTICIPANTS IN THE PENSION SYSTEM TO THE DEFINED CONTRIBUTION PLAN, UP FOR F I R S T READING.**

Ordinance No. 5553

**APPROVED**, on First reading

26. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ADOPT A DEFINED CONTRIBUTION PLAN, UP FOR F I R S T READING.**

Ordinance No. 5554

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

MOTION: Fullilove – Hold Item #4, Ord. No. 5551, for 30 days (July 1, 2014)  
SECOND: Harris  
AYES: Brown, Collins, Fullilove, Harris, Lowery and Chairman Strickland  
NAYS: Boyd, Conrad, Flinn, Ford, Hedgepeth and Morrison  
Halbert did not cast a vote

**FAILED**, set up as Special Item #2

MOTION: Brown – Remove Items 24, 25 & 26 from the Consent Agenda for 1<sup>st</sup> Reading and have them back on the agenda for 1<sup>st</sup> Reading on June 17, 2014  
SECOND: Collins

**Chairman Strickland asked if there was any objection to removing the items from the Consent Agenda. There was objection so a vote below was taken.**

MOTION: Brown – Amend my motion to hold Items 24, 25 & 26 for 60 days  
SECOND: Halbert

**Friendly Amendment** – Hold Items 24, 25 & 26 for 45 days

MOTION: Fullilove

**Councilwoman Halbert accepted Councilwoman Fullilove's Friendly Amendment.**

**After further discussion of these items, Councilwoman Fullilove withdrew her motion for a 45 day delay.**

**Councilman Brown did not concur with Councilwoman Fullilove withdrawing her motion for a 45 day delay, so the vote was to hold Items 24, 25 & 26 for 45 days.**

**Councilman Ford called for the question, without objection.**

AYES: Brown, Fullilove and Halbert  
NAYS: Boyd, Collins, Conrad, Flinn, Ford, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Harris abstained

**FAILED**, set up as Special Item #3

MAIN MOTION: Lowery  
SECOND: Conrad  
AYES: Boyd, Collins, Conrad, Flinn, Ford, Harris, Lowery, Morrison and Chairman Strickland  
NAYS: Fullilove and Halbert  
Brown and Hedgepeth

**APPROVED**, as amended, with the exception of Item #3 which was held until June 17, 2014

**MLGW FISCAL CONSENT – Items 6-8 may be acted upon by one motion:**

6. **RESOLUTION AWARDING A CONTRACT TO HENRY AND WRIGHT CORPORATION FOR THE PURCHASE OF A DIESEL POWERED WIRE PULLER TENSIONER, IN THE AMOUNT OF \$259,500.00.**

**APPROVED**

7. **RESOLUTION AWARDING CONTRACT NO. 11723, EMS/SCADA, TO OPEN SYSTEMS INTERNATIONAL (OSI), IN THE FUNDED AMOUNT OF \$5,489,773.00.**

**APPROVED**

8. **RESOLUTION AWARDING A FORTY-EIGHT MONTH BLANKET CONTRACT TO TYNDALE COMPANY, INC. FOR FLAME-RESISTANT CLOTHING, IN THE AMOUNT OF \$1,451,120.99.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Lowery  
SECOND: Morrison  
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Morrison and Chairman Strickland  
Brown and Hedgepeth did not cast a vote

**APPROVED**

9. **APPOINTMENTS**

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD**

Appointments

Bruce Kramer  
John Marek  
Carissa Shaw

Reappointments

David Acey  
Charles Morris

**MEMPHIS AREA TRANSIT AUTHORITY**

Appointments

Kristen Bland  
Martin E. Lipinski  
Shelia Williams

Reappointments

Martin E. Lipinski  
Charles “Chooch” Pickard

**MEMPHIS TRANSPORTATION COMMISSION**

Reappointment

Richard V. White

MOTION: Flinn  
SECOND: Fullilove  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery,  
Morrison and Chairman Strickland  
Brown and Conrad did not cast a vote

**APPROVED**

21. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,783,767.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE YOUTH PROGRAM.**

**Councilwoman Halbert requested same night minutes for this item.**

MOTION: Halbert  
SECOND: Boyd  
AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,  
Lowery, Morrison and Chairman Strickland

Brown did not cast a vote

**APPROVED**

Chairman Strickland asked if there was any objection to having same night minutes. There was no objection.

22. **RESOLUTION APPROVING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$1,389,832.00 IN CONTRACT CONSTRUCTION FOR CIP PROJECT NUMBER PK07092-CITY PARK REHAB AND MAINTENANCE FUNDED BY G.O. BONDS GENERAL.**

Councilman Boyd requested same night minutes for this item.

MOTION: Boyd

SECOND: Ford

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Brown did not cast a vote

**APPROVED**

Chairman Strickland asked if there was any objection to having same night minutes. There was no objection.

23. **RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$442,168.00 IN CONTRACT CONSTRUCTION FROM PK07114-PARKS COVER LINE TO PK07092-CITY PARK REHAB AND MAINTENANCE FOR REPAIRS TO VARIOUS CITY RECREATIONAL FACILITIES AND PARKS.**

Councilman Boyd requested same night minutes for this item.

MOTION: Boyd

SECOND: Morrison

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Collins abstained  
Brown did not cast a vote

**APPROVED**

Chairman Strickland asked if there was any objection to having same night minutes. There was no objection.

10. **RESOLUTION ACCEPTING THE MLGW INCREMENTAL PILOT ADJUSTMENT FOR FREE WATER.**

MOTION: Harris

SECOND: Collins

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,  
Lowery, Morrison and Chairman Strickland  
Brown did not cast a vote

**APPROVED**

11. **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$36,000,000.00 PRINCIPAL AMOUNT OF SANITARY SEWERAGE SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF MEMPHIS, TENNESSEE, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING SANITARY SEWERAGE SYSTEM REFUNDING BONDS AND REVENUE BONDS OF THE CITY.**

MOTION: Harris

SECOND: Fullilove

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,  
Lowery and Chairman Strickland  
Brown and Morrison did not cast a vote

**APPROVED**

12. **RESOLUTION DONATING (7) PIECES OF ARTILLERY ARTIFACTS REMOVED FROM MEMPHIS PARK TO THE WEST TN MILITARY VEHICLES COLLECTORS CLUB AND THE SHELBY COUNTY HISTORICAL COMMISSION.**

MOTION: Boyd

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth,  
Lowery, Morrison and Chairman Strickland  
Ford did not cast a vote

**APPROVED**

14. **RESOLUTION APPROPRIATING \$223,600.00 IN CONTRACT CONSTRUCTION IN CIP PROJECT NUMBER PK08027 – MALLORY NEELY HOUSE FOR THE CONSTRUCTION OF “MALLORY-NEELY HOUSE WINDOW REPAIRS” AND THE SECURITY AND FURNITURE MOVING COSTS RELATED TO THE PROJECT.**

MOTION: Boyd

SECOND: Morrison

AYES: Boyd, Collins, Conrad, Ford, Fullilove, Harris, Hedgepeth, Lowery, Morrison,  
and Chairman Strickland



Brown, Flinn and Halbert did not cast a vote

**APPROVED**

15. **RESOLUTION TRANSFERRING FUNDS FROM PROJECT PW04096 PUBLIC WORKS ANTI-BLIGHT TO A NEW PROJECT CITY OWNED PROPERTY – WALTER SIMMONS HOUSING COMPLEX FOR DEMOLITION AS PART OF THE CITY ANTI-BLIGHT PROGRAM.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery, Morrison and Chairman Strickland  
Boyd and Hedgepeth did not cast a vote

**APPROVED**

13. **RESOLUTION APPROVING TENNIS IMPROVEMENTS, CIP PROJECT NUMBER PK03001, AS PART OF THE FY 2014 CAPITAL IMPROVEMENT PROGRAM. THE CITY OF MEMPHIS HAS ENTERED INTO AN AGREEMENT WITH TENNIS MEMPHIS, INC. WHICH PROVIDES FOR THE USE AND PAYMENT OF THE CURRENT AND FUTURE CAPITAL APPROPRIATION. THE RESOLUTION SEEKS TO APPROPRIATE \$39,000.00 IN CONTRACT CONSTRUCTION, FUNDED BY G.O. BONDS GENERAL.**

MOTION: Boyd

SECOND: Morrison

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Brown did not cast a vote

**APPROVED**

16. **RESOLUTION APPROPRIATING \$2,750,000.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FOR CITY WIDE DRAINAGE REPAIRS AT CITY WIDE DRAIN REHAB.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Brown did not cast a vote

**APPROVED**

17. **RESOLUTION APPROPRIATING \$179,426.00 FUNDED BY FEDERAL GRANT CIP FUNDS, FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, FOR CONSTRUCTION OF SIDEWALKS AROUND ROZELLE ELEMENTARY SCHOOL, ROLAND STREET, WILLETT STREET, WALKER AVENUE AND FELIX AVENUE.**

MOTION: Hedgepeth

SECOND: Morrison

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland

**APPROVED**

18. **RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$469,675.00 FOR HAZARD MITIGATION GRANT PROGRAM.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Halbert did not cast a vote

**APPROVED**

19. **RESOLUTION SUPPORTING THE CONSTRUCTION OF A DIRECT CURRENT TRANSMISSION LINE BY PLAINS AND EASTERN CLEAN LINE LLC.**

MOTION: Collins

SECOND: Fullilove

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland  
Conrad recused  
Brown did not cast a vote

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of June 3, 2014 for Items 21-23 only with the following motion:

MOTION: Fullilove

SECOND: Flinn

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, and Chairman Strickland  
Harris and Hedgepeth did not cast a vote

**APPROVED**, set up as Special Item #4

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Strickland recognized the following people who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109

Lee Cochran, 179 Richbriar St., Memphis, TN 38120

**ADJOURNED MEETING AT 5:03 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

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C H A I R M A N

Attest:

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Deputy Comptroller/Council Records